REMARKS

In response to the Office Action mailed April 9, 2007 (hereinafter "Office Action"), claims 5-8 and 13-18 have been cancelled without prejudice or disclaimer, and claims 1 and 9 have been amended. Therefore, claims 1-4 and 9-12 are pending. Support for the instant amendments is provided throughout the as-filed specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicants thank the Examiner for considering the references cited in the Information Disclosure Statements filed on September 16, 2003 and August 12, 2005, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the Office Action.

SPECIFICATION

The Specification has been objected for allegedly containing a number of informalities. In response, the Specification has been amended according to the suggestions in the Office Action. Accordingly, withdrawal of the objections to the Specification is earnestly sought.

REJECTIONS UNDER 35 U.S.C. §102 AND §103

Claims 1-4, 7-12 and 15-16 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,795,383 B1 to Yamamoto *et al.* ("Yamamoto"). Claims 5-6 and 13-14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over

Yamamoto in view of U.S. Patent No. 6,873,274 B2 to Oki ("Oki"). Applicants traverse these rejections for at least the reason that Yamamoto and Oki, taken alone or in combination, fails to explicitly nor impliedly disclose, teach or render obvious each of the elements of the claims.

A patent claim is anticipated by a prior art reference if the reference discloses, either expressly or inherently, all of the limitations of the claim. Applicants disagree with the propriety of the rejection. However, solely in an effort to expedite prosecution, claims 1 and 9 have been amended to clarify points of novelty over Yamamoto and Oki. With this said, claim 1 is directed to an information recording apparatus and recites, *inter alia*, a detection unit that detects, on the basis of a master clock, a length of a first half period of an LR clock contained in the input data and a length of a second half period which follows the first half period, compares the lengths of the first and second half periods to check the difference in the lengths of the first and second half periods, and detects information associated with a sampling frequency corresponding to the audio attribute information on the basis of the difference in the lengths of the first half period and the second half period in claim 1.

Yamamoto merely discloses an optical disc, as an information recording medium, which is enabled to store information capable of reducing the data size of time map information. The optical disc is enabled to store map information related to an audio object in either a constant bit rate format or a variable bit rate format and a recording position on the disc. The map information stored in the optical disc records a playback duration for only first and last units of a plurality of audio object units (AOBU) comprised in an audio object (AOB) for each AOB when audio data in the variable bit rate mode is to be recorded, and

records the sizes and playback duration of the AOBU for the last one of AOBUs comprised in AOB and for any one of the AOBUs except for the last AOBU. *See*, Abstract of Yamamoto.

Oki merely discloses a digital-to-analog (DA) converter including a detector for detecting an input sampling frequency of digital data using a sampling clock and a master clock, an oversampling digital filter for oversampling the digital data on the basis of the input sampling frequency, an input sampling frequency change detector for detecting a change in the input sampling frequency, and a mute control for muting the data to be DA-converted on the basis of the detection result of the input sampling frequency change detector. *See*, Abstract of Oki.

By contrast, the invention recited in claims 1 recites, *inter alia*, that the audio attribute information is detected from input data input by the input unit, and audio information and the audio attribute information contained in the input data is recorded in a predetermined format. A length of a first half period of an LR clock contained in the input data and a length of a second half period which follows the first half period are detected on the basis of a master clock. The lengths of the first and second half periods are compared with each other to check the difference in the lengths of the first and second half periods, and information associated with a sampling frequency corresponding to the audio attribute information is detected on the basis of the difference in the lengths of the first half period and the second half period.

In other words, the input data does not include the information associated with the sampling frequency. Thus, the sampling frequency is detected and estimated using the master clock and LR clock. In order to detect the sampling frequency more accurately, the invention as recited in claim 1 measures the lengths of consecutive first and second half periods of the LR clock to check the difference in the lengths, and detects the sampling frequency based on

the result of measuring the lengths of the first and second half periods if the difference is small.

The cited portions of Yamamoto and Oki, taken alone or in combination, do not disclose, teach or render obvioius *at least* this aspect of claim 1. That is, the cited portions of Yamamoto and Oki do not disclose anything about detecting (estimating) a sampling frequency on the bases of input data whose sampling frequency is unknown. Thus, claim 1 is patentable. Claims 2-4 are patentable *at least* by virtue of their dependence on an allowable base claim (claim 1), and for the additional aspects they recite.

Claim 9 is directed to an information recording method and recites, *inter alia*, recording audio information and the audio attribute information contained in the input data in a predetermined format, wherein a length of a first half period of an LR clock contained in the input data and a length of a second half period which follows the first half period are detected on the basis of a master clock, the lengths of the first and second half periods are compared with each other to check the difference in the lengths of the first and second half periods, and information associated with a sampling frequency corresponding to the audio attribute information is detected on the basis of the difference in the lengths of the first half period and the second half period in claim 9. As discussed above with regard to claim 1, the cited portions of Yamamoto and Oki, taken alone or in combination, fail to disclose, teach or render obvious *at least* this aspect. Thus, claim 9 is patentable. Claims 10-12 are patentable *at least* by virtue of their dependency from an allowable base claim (claim 9), and for the additional aspects they recite.

Thus, Applicants respectfully request that the rejections under 35 U.S.C. §102(e) and §103(a) be withdrawn and the claims be allowed.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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